(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6684 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri Rakesh Bhatkar i/b Harshad Bhadbhade for the petitioner.

Shri D.R.Tolankar for the respondent No.1.

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CORAM: R.M.S.KHANDEPARKAR, J

DATED: 7th October, 2006.

P.C.

1. Taken up on board on request.

2. Heard. Rule. By consent, the rule is made returnable forthwith.

3. The only grievance which the petitioner makes is that by the impugned order, the revisional authority has directed the trial court to pass a partial decree in relation to the principal amount in case there is any unreasonable delay in disposal

of the matter.

4. In view of the fact that all other challenges to the impugned order have been given up, the learned advocate appearing for the petitioner has fairly conceded that he has no objection if the clause (d) of the paragraph 11 of the impugned order is quashed and set aside while retaining the other portion of the impugned order. Accordingly, by consent, clause (d) of the paragraph 11 of the impugned order is hereby quashed and set aside. This, however, should not be construed as a tool in the hand of the petitioner to cause delay in disposal of the proceedings before the trial Court. Needless to say that the trial Court shall dispose of the matter on merits without being influenced in any manner by any of the observations made in the impugned order.

5. With these directions, and while setting aside the clause (d) of paragraph 11 of the impugned order, the rule is made absolute accordingly with no order as to costs.

6. The date for payment of costs under clause (a) of the paragraph 11 of the impugned order is extended till 11th October, 2006.

(R.M.S.KHANDEPARKAR, J)